IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1098 OF 2007

Anand Mukund Kamble ...Applicant.

Versus

The State of Maharashtra ...Respondent.

....

Mr.Rajeev Sawant, Adv. for the Applicant.

Mr.V.B.Konde-Deshmukh, APP, for the State.

....

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 2nd April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.58 of 2007 of Dahisar Police Station. The said case is under Sections 392, 427 etc. of IPC.

3. It is the prosecution case that the complainant was running tuition classes. The applicant was one of the ex-students of that class. The complainant has stated that on

17.2.2007 when he was returning home from the said class, the applicant approached him and enquired whether the complainant recognised him. At that time, mobile phone of the complainant rang. The complainant noticed that one person was standing next to the applicant. At that time, one person gave a blow on the right arm of the complainant. The complainant fell down. At that time the person who was standing next to the applicant snatched away the mobile phone from the hand of the complainant. When the complainant fell on the ground, he was beaten by fist and kick blows. On account of the said assault, the complainant sustained contusion on his arm, thigh and back.

4. The custody of the applicant is sought for recovery of the mobile phone. However, on perusal of the material gathered by the prosecution including the FIR, it is seen that the applicant had not snatched away the mobile phone of the complainant, but it was some other accused person. Moreover, it is not the case of the complainant that the applicant had assaulted him. The applicant is a young boy of 19 years. He is college-going student. It is not the prosecution

case that the applicant is likely to abscond.

5. Looking to all these facts, I am inclined to grant anticipatory bail to the applicant.

6. In the event of arrest, the applicant to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant shall report to Dahisar Police Station from 04.4.2007 till 20.4.2007 from 11:00 a.m. to 2:00 p.m. and thereafter once in a month, till disposal of the trial.

7. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)